

Remarks

The specification has been amended to correct a typographical error. No new matter is being introduced.

Claims 1 and 3 - 60 remain in the application with claims 1, 23 and 51 being in independent form. Claim 2 has been cancelled and claims 51 - 60 have been added.

Claims 1-2, 4-9, 11 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Livingstone (U.S. Patent No. 3,494,496). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Livingstone. Claims 10, 12, and 14-22 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claims 23-50 are allowed.

Applicant thanks the Examiner for the allowance of claims 10, 12, 14-22, and 23-50. In accordance with the Examiner's allowance, independent claim 51 has been added which includes the limitations of allowed dependent claim 14 and base claim 1. Claim 51 is therefore believed allowable and claims 52-60, which are dependent upon the novel features of claim 51, are also believed allowable.

Turning to independent claim 1, this claim has been amended to incorporate certain limitations found in claims 9, 6, 4 and 2. In particular, independent Claim 1 now sets forth a chamfer on the upper surface of the inner wall with the chamfer angling inwardly from a top surface of the base toward the inner wall of the base. Also, the sealing portion is now spaced inwardly from the outer periphery and depends from the cover to a distal end. Finally, claim 1 has been amended to set forth that the chamfer guides the distal end of the sealing portion into the mixing chamber during engagement of the sealing portion with the upper surface of the base. Applicant believes that this combination of features provides a unique and non-obvious container assembly not found in the prior art of record. As such, Applicant respectfully traverses the § 102(b) rejection of previous dependent claim 6, which set forth a chamfer for guiding the distal end of the sealing portion.

The Examiner did not specifically address claim 6 and did not indicate how the Livingstone patent, or any of the other references, anticipated the chamfer limitation in this claim. Applicant respectfully submits that the prior art of record, including the Livingstone patent, does not disclose a container assembly having a base, cover, and sealing portion as

claimed with a chamfer disposed on the base to guide a distal end of the sealing portion into a mixing chamber of the base. The base of the Livingstone patent in no way has a chamfer angling inwardly from a top surface toward an inner wall. As such, the sealing portion of the Livingstone patent is in no way guided into the mixing chamber.

In light of the above remarks, amended Claim 1 is believed allowable. Claims 3 - 22 are also believed allowable as these claims depend upon the novel features of independent Claim 1.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. The Commissioner is authorized to charge our Deposit Account No. 08-2789 for any fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

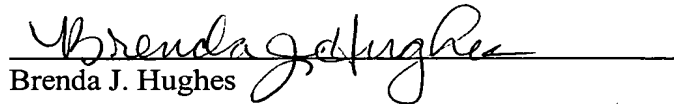


Date: February 5, 2004

Samuel J. Haidle, Registration No. 42,619
39400 Woodward Avenue, Suite 101
Bloomfield Hills, MI 48304-5151
(248) 645-1483

CERTIFICATE OF MAILING

I hereby certify that the attached **Amendment** and **fee** are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on February 5, 2004.



Brenda J. Hughes